

REMARKS

Applicants submit this Response in reply to the Office Action dated July 31, 2007, and in furtherance of the telephone interview granted to Applicants' representatives on November, 6 2007. Claims 1, 12, 23 and 25 have been amended. No new matter was added by these amendments.

A Petition for Two Month Extension of time is submitted herewith. Please charge Deposit Account No. 02-1818 for the Petition for Two Month Extension of Time and any other fees which are due in association with this Response.

The Office Action Summary indicates that Claims 2, 13 and 24 are withdrawn. Applicants respectfully note that Claims 2, 13 and 24 are cancelled.

The Office Action rejected Claims 1, 3 to 8, 12, 14 to 19, 23 and 25 to 27 under 35 U.S.C. § 103(a) as being unpatentable over Australian Petty Patent Abridgment AU-B-74936/87 to Crouch ("Crouch"). Applicants respectfully disagree with these rejections. However, in accordance with the telephone interview with the Examiner on November 6, 2007, Applicants have amended certain claims to clarify the existing claim elements and to place the claims in condition for allowance.

Crouch is directed to a poker machine including a plurality of reels. Each of the plurality of reels includes a plurality of symbol positions. Each of the plurality of symbol positions is associated with a symbol. As illustrated in Figs. 1, 3, 5 and 6 of Crouch, the symbols include: (i) single card symbols such as "K" (king) and "J" (joker) and (ii) single card symbols displayed side-by-side on one symbol position, such as "JK" (see Figs. 1, 3, 5 and 6 and related description) (referred to at times in Crouch as a "double symbol").

Referring to Fig. 2 of Crouch, in one embodiment of Crouch, a player initiates a play of the game, causing the reels to spin. After the reels have stopped spinning, the poker machine determines if there is a winning line-up not using double symbols. If there is a winning line-up not using double symbols, the poker machine pays a player accordingly and the game ends. If there is **not** a winning line-up using double symbols, the poker machine determines if there is a double symbol on a payline. If there is not a double symbol on a payline, the game ends. If there is a double symbol on a payline, the poker machine determines if there is a winning line-up using **either** of the symbols of the double symbol. If the poker machine determines that there is a winning line-up

including either of the double symbols, the poker machine pays the player accordingly and the game ends. If the poker machine determines that there is not a winning line-up using either of the double symbols, the poker machine determines if a winning line-up can occur if single matching symbols are nudged. If the poker machine determines that there is no such winning line-up possible, the game ends. If the poker machine determines that a winning line-up is possible if such single symbols are nudged, the poker machine holds the double symbol and nudges the matching single symbols, yielding a winning line-up, and provides the player with an appropriate award.

Referring to Fig. 4 of Crouch, in another embodiment of Crouch, a player initiates a play of the game, causing the reels to spin. After the reels have stopped spinning, the poker machine determines if there is a winning line-up of single symbols. If there is a winning line-up of single symbols, the poker machine pays a player accordingly and the game ends. If there is not a winning line-up of single symbols, the poker machine determines if there is a double symbol on a payline. If there is not a double symbol on a payline, the game ends. If there is a double symbol on a payline, the poker machine determines if there is a winning line-up using the **first symbol** of the double symbol. If the poker machine determines that there is a winning line-up including the first symbol of the double symbol, the poker machine pays the player accordingly and the game ends. If the poker machine determines that there is **not** a winning line-up using the first symbol of the double symbol, the poker machine determines whether there is a winning line-up including the **second symbol** of the double symbol. If the poker machine determines that there is a winning line-up including the second symbol of the double symbol, the poker machine pays the player accordingly and the game ends. If the poker machine determines that there is not a winning line-up including the second symbol of the double symbol, the poker machine holds the double symbol and spins the remaining reels. After the re-spun reels stop spinning, the poker machine determines if a winning line-up has occurred. If a winning line-up has occurred, the player is paid accordingly, and the game ends. If a winning line-up has not occurred, the game ends.

Referring to Fig. 7 of Crouch, in another embodiment of Crouch, a player initiates a play of the game, causing the reels to spin. After the reels have stopped spinning, the poker machine determines if there is a winning line-up of single symbols. If there is a

winning line-up of single symbols, the poker machine pays the player accordingly and the game ends. If there is not a winning line-up of single symbols, the poker machine determines if there is a double symbol visible in a display window. If there is not a double symbol visible in the display window, the game ends. If there is a double symbol visible in the pay window, the poker machine determines if there is a winning line-up using the **first symbol** of the double symbol. If the poker machine determines that there is a winning line-up including the first symbol of the double symbol, the poker machine pays the player accordingly and the game ends. If the poker machine determines that there is **not** a winning line-up using the first symbol of the double symbol, the poker machine determines whether there is a winning line-up including the **second symbol** of the double symbol. If the poker machine determines that there is a winning line-up including the second symbol of the double symbol, the poker machine pays the player accordingly and the game ends. If the poker machine determines that there is not a winning line-up including the second symbol of the double symbol, the poker machine determines whether there are symbols on a payline that match **either** of the symbols of the double symbol. If the poker machine determines that there are not symbols on a payline that match either of the symbols of the double symbol, the game ends. If the poker machine determines that there are symbols on a payline that match either of the symbols of the double symbol, the poker machine holds all reels except the one with the double symbol, and nudges the double symbol. After nudging the double symbol, the poker machine determines if a winning line-up occurred using any of the symbols in the double symbol. If a winning line-up has occurred, the player is paid accordingly, and the game ends. If a winning line-up has not occurred, the game ends.

During the November 6, 2007 telephone interview, Applicants' representatives presented certain distinctions between the symbol evaluation which takes place in Crouch and that of the subject claims. Applicants' representatives indicated the claims would be amended to clarify these distinctions.

Amended independent Claim 1 is directed to a gaming device including at least one display device; at least one input device; and at least one processor programmed to operate with the at least one display device and the at least one input device to provide a game including: a plurality of reels, each of the reels including a plurality of symbol

positions; a plurality of symbols at the plurality of symbol positions on the reels, the plurality of symbols including a plurality of first symbols, wherein at least two of the first symbols are different, and at least one replicator symbol, wherein the at least one replicator symbol includes at least two of the same symbols at one of the symbol positions; at least one predetermined winning symbol combination of a plurality of winning symbol combinations including at least one of said plurality of first symbols, wherein the predetermined winning symbol combination occurs in a predetermined number of symbol positions and is associated with an award; and at least one additional winning symbol combination of the plurality of winning symbol combinations including the at least one replicator symbol and at least one of the plurality of first symbols, wherein the additional winning symbol combination is also associated with said award and occurs in fewer symbol positions than said predetermined number of symbol positions.

In the gaming device of Claim 1, the at least one processor is programmed to operate with the at least one display device and the at least one input device to for a play of the game: activate the reels to generate one of the plurality of the symbols at each of the plurality of symbol positions; determine both if said predetermined winning symbol combination and said additional winning symbol combination are generated on the reels, wherein for said determination, each of the same symbols of the at least one replicator symbol simultaneously functions as an individual symbol; and display said award if either of said predetermined winning symbol combination or said additional winning symbol combination is generated on the reels.

In the gaming device of Claim 1, when the at least one processor is determining whether the winning symbol combinations are generated, each of the same symbols of the at least one replicator symbol **simultaneously** functions as an individual symbol for said determination. In each of Figs. 2, 4 and 7 of Crouch, each of the symbols of the "double symbol" are evaluated separately and do not simultaneously function as individual symbols for evaluation purposes. See Crouch, Fig. 2 and related description ("IS THERE A WINNING LINE-UP USING THE [SIC] **EITHER** OF THE DOUBLE SYMBOLS"); Fig. 4 and related description ("IS THERE A WINNING LINE-UP USING THE 1ST SYMBOL OF THE DOUBLE SYMBOL" AND "IS THERE A WINNING LINE-UP

USING THE 2ND SYMBOL OF THE DOUBLE SYMBOL"); and Fig. 7 and related description ("IS THERE A WINNING LINE-UP USING THE 1ST SYMBOL OF THE DOUBLE SYMBOL" AND "IS THERE A WINNING LINE-UP USING THE 2ND SYMBOL OF THE DOUBLE SYMBOL") (emphasis added). The flowcharts illustrated in Figs. 2, 4, and 7 of Crouch clarify that Crouch discloses evaluating each of the symbols of the double symbol separately, and thus does not disclose each of the same symbols of at least one replicator symbol simultaneously function[ing] as an individual symbol for evaluation purposes. Put differently, both of the symbols in the double symbol are **not** evaluated at the same time, and each is counted as an individual symbol, when the poker machine determines winning line-ups.

Crouch further does not disclose at least one processor programmed to operate with at least one display device and at least one input device to for a play of a game determine if either of the predetermined winning symbol combination or the additional winning symbol combination is generated, as in Claim 1.

In the respective flow charts illustrated in Figs. 2, 4 and 7 of Crouch, if the Crouch poker machine determines that there is a winning line-up not using double symbols (Fig. 2) or that there is a winning line-up of single symbols (Figs. 4 and 7), the player is paid accordingly and the game ends. In these instances, the Crouch poker machine does not determine if a symbol combination including a symbol in a "double symbol" occurs. The gaming device of Claim 1 determines both if a predetermined winning symbol combination of a plurality of winning symbol combinations including at least one of a plurality of first symbols and an additional winning symbol combination of the plurality of winning symbol combinations including the at least one replicator symbol and at least one of the plurality of first symbols are displayed. In the gaming device of Claim 1, the at least one processor is programmed to make both of these determinations regardless of whether a predetermined winning symbol combination including at least one of a plurality of first symbols is generated. In Crouch, if a winning-line up including single symbols is generated, the poker machine does not determine if a winning line-up including a symbol from the double symbol is generated.

As the Office Action properly notes, Crouch does not disclose at least one replicator symbol, wherein the at least one replicator symbol includes at least two of the

same symbols at one of the symbol positions. The Office Action appears to reason that because Crouch is directed to a poker machine and discloses the aforementioned "double symbols" (including different symbols), one of ordinary skill in the art would have been motivated to include two identical symbols in a "double symbol" because certain winning poker hands include multiple quantities of the same type of card (i.e., three kings or four aces). Even if it did occur to one of ordinary skill in the art to include two of same symbol in the "double symbol" of Crouch, one of ordinary skill of the art still would not have been motivated to include each of the same symbols of the "double symbol" simultaneously functioning as an individual symbol for evaluation purposes. As discussed with reference to the flowcharts of Figs. 2, 4 and 7 of Crouch, Crouch specifically discusses the evaluation of each symbol in the double symbols separately in conjunction with other symbols, for purposes of determining winning line-ups.

Additionally, Crouch does not disclose at least one processor programmed to operate with at least one display device and at least one input device to display the same award if either of the predetermined winning symbol combination (including at least one of the plurality of first symbols) or the additional winning symbol combination (including the at least one replicator symbol and at least one of the plurality of first symbols) is displayed. For at least these reasons, Applicants respectfully submit that independent Claims 1, 12 and 23 are patentable over Crouch and stand in condition for formal allowance.

The Office Action rejected Claims 9 to 11, 20 to 22 and 28 to 32 under 35 U.S.C. § 103(a) as being unpatentable over Crouch in view of United States Patent No. 6,905,406 to Kaminkow ("Kaminkow"). In view of the patentability of Claims 1, 12 and 23, Applicants respectfully submit that the combination of Crouch and Kaminkow does not render obvious dependent Claims 9 to 11, 20 to 22 and 28 to 32, and that these Claims stand in condition for formal allowance.

Applicants have made an earnest endeavor to place this application in condition for formal allowance and in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: December 12, 2007